

ORDINANCE NUMBER 18-2022
Amendments to the Zoning Ordinance
City of Lambertville, Hunterdon County

AN ORDINANCE AMENDING CERTAIN SECTIONS, AS SPECIFIED BELOW, OF THE CITY OF LAMBERTVILLE ZONING ORDINANCE TO ENCOURAGE ECONOMIC DEVELOPMENT AND INVESTMENT IN THE CENTRAL BUSINESS DISTRICT ZONE

WHEREAS, the City should think about diversifying the permitted uses within its commercial districts so that consumers on all levels – residents, daytime employees and visitors – have a number of options to fulfil their needs; and

WHEREAS, parking requirements were also identified as a finite resource within the City and often the reason applications for new businesses end up in front of a Board; and

WHEREAS, the City Council wants to revise the parking requirements within the commercial zones to help promote economic development; and

WHEREAS, the City Council authorized the City Planner to prepare ordinance amendments based on the feedback received at the roundtables and information received from City officials; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Lambertville that the Zoning Ordinance of the City of Lambertville shall be amended as shown as follows:

SECTION 1. Article IV “Zoning”, Section Z-406.3 “Conditional Uses” within the Central Business District (CBD) of the Zoning Ordinance is hereby amended as shown with new text **bold underlined** and text for deletion in ~~strikeout~~:

The following conditional uses may be permitted in the Central Business District:

- A. Apartment use conforming to the criteria of §406.8 and §517.
- B. Structured parking conforming to the criteria of §406.9 and §517.
- C. Taverns and bars conforming to the criteria of §406.10 and §517.
- D. Conversion of second floor and higher floors to non-residential use provided that the gross floor area of the building shall be not less than 1,800 square feet and the criteria of §517 are met.
- E. Cannabis retailer conforming to the criteria of §406.13 and §517.
[Added 7/22/21, Ordinance # 16-2021].
- F. **Accessory apartments confirming to the criteria of §406.14.**

SECTION 2. Article IV “Zoning”, Section Z-406.7 “Off-Street Parking and Loading Requirements” within the Central Business District (CBD) of the Zoning Ordinance is hereby amended as shown with new text **bold underlined** and text for deletion in ~~strikeout~~:

§ Z-406.7 Off Street Parking and Loading Requirements.

- A. Residential Uses. Each dwelling unit shall be provided a minimum number of parking spaces according to the provisions of the Residential Site Improvement Standards (RSIS), N.J.A.C. 5:21.
- B. Non-residential Uses. New non-residential use shall be required to provide off-street parking spaces in accordance with the Schedule of Required Off-Street Parking Facilities, § Z-406.7~~ED~~, when the following occurs:
1. The proposed use involves the construction of new buildings or additions exceeding one-third of the gross square footage of the existing building.
 2. Public assembly spaces exceeding 75 seats.
 3. The change of use results in a net increase of fifteen (15) or more parking spaces.
- C. **Change in Use. Change of use applications for residential, non-residential, or a combination of the two that result in a net increase of fifteen (15) or more parking spaces shall be required to provide off-street parking spaces for those spaces in excess of the net increase of fifteen (15) spaces that would be generated by the change of use.**
- ~~ED~~. Schedule of Required Off-Street Parking Facilities. The following parking schedule shall be used to calculate the required number of parking spaces per use, as necessary. Unless otherwise noted, the calculation shall be based upon the gross square footage of the floor area of the use. Where the calculation results in a fraction of a space, the required number of parking spaces shall be rounded to the next highest whole number. Where more than one permitted use is allowed within the district, the requirement for parking spaces shall be the sum of the individual uses computed separately.
4. Retail and personal sales and service: one space per 300 square feet.
 5. General and professional offices, excepting medical and dental offices: one space per 300 square feet.
 6. Medical and dental offices: one space per 250 square feet.
 7. Restaurants and luncheonettes: one space per three seats.
 8. Taverns and bars: one space per two seats. Where individual seats are not provided, each 24 inches of counter shall constitute one seat.
 9. Funeral homes shall provide at least six spaces for each viewing room.

10. Hotels, motels and inns: one space per room.
11. Artist galleries and antique stores, excepting cooperative spaces: one space per 600 square feet.
12. Cooperatives: three spaces per exhibit area.
13. Religious use, excepting residential: one space for each five seats. Where individual seats are not provided, each 21 inches of bench or pew shall be considered one seat.
14. Public Assembly: one space for each five seats.
15. Theatre: one space for each three seats.
16. Commercial recreation, indoor: one space for each 400 square feet, excepting bowling alleys which shall provide four spaces per lane.
17. Commercial recreation, outdoor: Sufficient space shall be provided to prevent parking in fire lanes or parking aisles as reasonably determined by the approving authority.
18. Other uses not specifically identified: one space per 300 square feet.

DE. Required Loading.

19. Each business or service establishment shall have access to a loading and unloading space within 300 feet of the premises. An adequate guarantee shall be provided that establishes a right to the loading and unloading use, unless such space is provided by a public entity.
20. Business or service establishments occupying a lot of 15,000 square feet or larger shall provide off-street loading and unloading space on the premises. Each off-street loading area shall be a minimum of 12 feet by 35 feet. The loading area shall be so arranged to avoid impairment to the circulation system of parking spaces, parking aisles, points of ingress and egress, and streets.

EF. The design standards of § 509 shall apply to all off-street parking and loading areas.

FG. Location of Parking. Required off-street parking may be supplied off-tract provided the following criteria are met:

21. The off-tract parking shall not provide required parking for any other use.
22. An adequate guaranty that establishes a right to the use of the off-tract parking shall be provided.
23. The off-tract parking is located within the following distances from the premises in question:

- a. Senior citizen residential use: 150 feet.
- b. Other residential use: 300 feet.
- c. Non-residential use: 600 feet.

SECTION 3. Article IV “Zoning”, Section Z-406.14 of the City Code shall be created to identify the standards for the Accessory Apartment conditional use within the Central Business District. Section Z-406.14, “Conditions of Accessory Apartment” in Chapter Z, “Zoning” of the City Code is hereby created to read as follows:

§Z-406.14 Conditions for Accessory Apartments

- A. The apartment shall be occupied only by a low and moderate income household as defined by N.J.A.C. 5:93-1.3.
- B. The apartment shall conform to the requirements for maximum rent level in N.J.A.C. 5:93-5.9(a)3.
- C. The apartment shall be affirmatively marketed in accordance with N.J.A.C. 5:93-11.
- D. Controls on the affordability of the accessory apartment shall remain in effect for a minimum of ten (10) years in accordance with N.J.A.C. 5:93-5.9(e), as may be amended or superseded.
- E. No accessory apartment shall be permitted within a basement or a cellar as defined in Article II, §Z-201. An accessory apartment shall be permitted on the first floor of a building; however, the habitable room area, as defined in §Z-201, for said unit shall not occupy more than 50% of the first floor area as measured from the rear wall of the building, exclusive of common hallways providing access to said unit. No portion of the habitable room area shall be permitted within the front areas of the first floor as measured from the front wall of the building, that being the wall facing a public street within the CBD Zone.
- F. Only one (1) accessory apartment per lot shall be permitted.
- G. Each accessory unit shall comply with the minimum unit size requirements for Neighborhood Preservation Balanced Housing Program (N.J.A.C. 5:43 et seq.)
- H. Each accessory apartment shall have direct access to the exterior of the building.

SECTION 4: Referral to Planning Board. Following introduction and prior to adoption, the Clerk shall cause a copy of this ordinance to be referred to the City of Lambertville Planning Board for review pursuant to *N.J.S.A. 40:55D-26*.

SECTION 5: Repealer. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

SECTION 6: Severability. If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be valid and enforceable.

SECTION 7: Effective Date. This ordinance shall take effect twenty days from the date of its adoption and upon filing with the Hunterdon County Planning Board, as required pursuant to *N.J.S.A. 40:69A-181* and *N.J.S.A. 40:55D-16*.

FIRST READING AND INTRODUCTION: June 16, 2022

Referred to Planning Board: July 6, 2022

Second Reading and PUBLIC HEARING: July 21-2022